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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA, ) Case No. 2:21cr77-WBS  
11 )  
Plaintiff, ) **STIPULATION AND ORDER TO CONTINUE**  
12 ) **STATUS CONFERENCE AND EXCLUDE TIME**  
vs. )  
13 ) Date: October 12, 2021  
JAMES DEAN MILLER, ) Time: 9:00 a.m.  
14 ) Judge: Hon. William B. Shubb  
Defendant. )  
15 \_\_\_\_\_)

16 IT IS HEREBY STIPULATED and agreed by and between Acting United States  
17 Attorney Phillip A. Talbert, through Assistant United States Attorney Mira Chernick, counsel for  
18 Plaintiff, and Federal Defender Heather Williams, through Assistant Federal Defender Hootan  
19 Baigmohammadi, counsel for Defendant James Dean Miller, that the status hearing currently set  
20 for October 12, 2021 at 9:00 be continued to December 6, 2021 at 9:00 a.m.

21 The parties specifically stipulate as follows:

- 22 1. By previous order, this matter was set for a status on October 12, 2021 at 9:00 a.m.  
23 2. By stipulation, Mr. Miller now moves to continue the status conference to December 6,  
24 2021 at 9:00 a.m.  
25 3. The government has produced 248 pages of non-contraband discovery and made the  
26 seized electronic evidence available for defense inspection.  
27 4. The defense requires additional time to review the discovery, investigate and research  
28

possible defenses, research potential pretrial motions, consult with Mr. Miller, explore potential resolutions to the case, and otherwise prepare for trial.

5. Defense counsel believes that failure to grant the requested continuance would deny him the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.
6. The government does not object to the continuance.
7. Therefore, the parties stipulate that the ends of justice served by granting the continuance outweighs the best interest of the public and Mr. Miller in a speedy trial, and request the Court so to find.
8. For the purpose of computing time under 18 U.S.C. § 3161 *et seq.* (Speedy Trial Act), the parties request that the time period between October 12, 2021 and December 6, 2021, inclusive, be deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv) (Local Code T4), because it would result from a continuance granted by the Court at the defense's request, based on a finding that the ends of justice served by granting the continuance outweighs the best interest of the public and Mr. Miller in a speedy trial.

Respectfully submitted,

HEATHER E. WILLIAMS  
Federal Defender

Date: October 4, 2021

/s/ Hootan Baigmohammadi  
HOOTAN BAIGMOHAMMADI  
Assistant Federal Defender  
Attorneys for Defendant  
Mr. Miller

Date: October 4, 2021

PHILLIP A. TALBERT  
United States Attorney

/s/ Mira Chernick  
MIRA CHERNICK  
Assistant United States Attorney  
Attorneys for Plaintiff

**ORDER**

The Court, having received and considered the parties' stipulation, and good cause appearing therefrom, adopts the parties' stipulation in its entirety as its order.

IT IS SO ORDERED.

Dated: October 5, 2021



**WILLIAM B. SHUBB**  
**UNITED STATES DISTRICT JUDGE**